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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,862	04/13/2004	Timothy Patrizi	061270-0922	2648
58898	7590	09/07/2006	EXAMINER	
LEMPIA IP GROUP, LLC 223 WEST JACKSON BLVD. SUITE 1100, BROOKS BLDG. CHICAGO, IL 60606			NELSON JR, MILTON	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,862

Applicant(s)

PATRIZI ET AL.

Examiner

Milton Nelson, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 39-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12, 14-24 and 39-44 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Preliminary Amendment

Applicant's preliminary amendment has been entered.

Election/Restrictions

Applicant's election without traverse of Group I, Claims 1-24 and 39-44, is acknowledged. Applicant has cancelled non-elected claims 25-38, 45 and 46.

Information Disclosure Statement

The information referred to in the information disclosure statements filed July 18, 2005 and March 1, 2006 has been considered as to the merits. The Examiner is currently attempting to locate the non-patent literature cited in the information disclosure statement of May 2, 2006. When this information is located, the Examiner will forward a signed copy of the May 2, 2006, PTO-1449 to the applicant.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 39-41, 43 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Wiseman et al (5380066). Note the housing (76), harness adjuster actuator (78), grip or lower surface (note lower surface, as shown in Figure 5), recessed area (see in 76, as shown in Figures 4 and 5), aperture (hole in 76), and housing rounded edges (note corner edges in Figure 4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 10-12, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al (5496092) in view of Wiseman et al (5380066). The primary reference shows all claimed features of the instant invention with the exception of the harness adjuster housing and harness adjuster actuator movable between a first position and a second position relative to a front surface of the housing to unlock the harness adjuster; and wherein movement of the buckle actuator from the first position to the second position is in the same direction as movement of the harness adjuster actuator from the first position to the second position (claim 1); wherein the front surface of the housing includes a recess area, and the harness adjuster actuator is mounted within the recessed area (claim 10); wherein the recessed area includes an aperture

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through which the harness adjuster actuator extends (claim 11); wherein the housing has rounded edges (claim 15); wherein the housing includes a grip surface that provides a grip against which a user can brace a finger (claim 16); wherein the grip surface is a lower surface of the housing (claim 17); wherein the buckle actuator and the harness adjuster actuator are similarly shaped (claim 18). In Williams et al, note the buckle (65), latch (65a), buckle actuator (unlabeled button on 65), harness (64), harness adjuster (66), buckle contoured grip surface (rear and lateral sides forming a "U", wherein the rear and lateral sides are lower than the front surface), medial portion (rear), angled portions (sides), buckle recessed area (the recessed area is the area receiving the button), and aperture (hole in the front surface of 65). Also note that movement of the buckle actuator from the first position to the second position is inward or rearward, and has a quadrilateral shape.

The secondary reference teaches providing a harness adjuster with a harness adjuster housing (76) and harness adjuster actuator (78) movable between a first position and a second position relative to a front surface of the housing to unlock the harness adjuster; and wherein movement of the harness adjuster actuator from the first position to the second position is inward or rearward; wherein the front surface of the housing includes a recessed area (see in 76, as shown in Figures 4 and 5), and the harness adjuster actuator is mounted within the recessed area; wherein the recessed area includes an aperture (hole in 76) through which the harness adjuster actuator extends; wherein the housing has rounded edges (note corner edges in Figure 4); wherein the housing includes a grip surface that provides a grip against which a user

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can brace a finger, wherein the grip surface is a lower surface of the housing (note lower surface of 76, as shown in Figure 5); wherein the harness adjuster actuator has as quadrilateral shape.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by substituting in the harness adjuster housing and harness adjuster actuator movable between a first position and a second position relative to a front surface of the housing to unlock the harness adjuster (claim 1); wherein the front surface of the housing includes a recess area, and the harness adjuster actuator is mounted within the recessed area (claim 10); wherein the recessed area includes an aperture through which the harness adjuster actuator extends (claim 11); wherein the housing has rounded edges (claim 15); wherein the housing includes a grip surface that provides a grip against which a user can brace a finger (claim 16); wherein the grip surface is a lower surface of the housing (claim 17). Such provides enhanced harness adjustment capability while maintaining ease of use. Note that movement of the buckle actuator from the first position to the second position is in the same direction as movement of the harness adjuster actuator from the first position to the second position based on movement of both being inward or rearward. Regarding claim 18, note that the buckle actuator and the harness adjuster actuator are similarly shaped in quadrilateral form.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al (5496092) in view of Wiseman et al (5380066), as applied to claim 1, above and further in view of Gibson et al (6050640). The primary reference, as modified above, shows all claimed features of the instant invention with the exception of the buckle actuator including a directional icon. Note the discussion of the primary reference, above. Gibson et al teaches providing a buckle related actuator with a direction icon (note at 50, as shown in Figure 1). It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify the primary reference in view of the teachings of the Gibson et al by adding a direction icon to the buckle actuator. This provides indicia to aid one in knowing which direction to operate the actuator. Such also enhances aesthetic appeal.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al (5496092) in view of Wiseman et al (5380066), as applied to claim 1, above and further in view of Baloga (6457774). The primary reference, as modified above, shows all claimed features of the instant invention with the exception of the buckle having rounded edges. Note the discussion of the primary reference, above. Baloga teaches providing a buckle with rounded edges (note rounded corner edges of 32 in Figure 1). It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify the primary reference in view of the teachings of the Baloga by substituting rounded edges for the non-rounded edges of the buckle.

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This modification provides an alternate, equivalent configuration for the buckle edges. Either rounded edges or non-rounded edges perform equally as well as the other.

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al (5496092) in view of Wiseman et al (5380066), as applied to claim 1, above and further in view of Gibson et al (6050640). The primary reference, as modified above, shows all claimed features of the instant invention with the exception of the harness adjuster actuator including a directional icon. Note the discussion of the primary reference, above. Gibson et al teaches providing a harness adjuster actuator with a direction icon (note at 50, as shown in Figure 1). It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify the primary reference in view of the teachings of the Gibson et al by adding a direction icon to the harness adjuster actuator. This provides indicia to aid one in knowing which direction to operate the actuator. Such also enhances aesthetic appeal.

Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al (5496092) in view of Wiseman et al (5380066). The primary reference shows all claimed features of the instant invention with the exception of the harness adjuster housing and harness adjuster actuator movable between a first position and a second position to unlock the harness adjuster, the housing including a grip surface of sufficient thickness to enable a user to brace a finger against the housing grip surface when actuating the harness adjuster actuator (claim 19); wherein the housing grip

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surface is a lower surface of the housing (claim 22); and wherein the buckle actuator and the harness adjuster actuator are similarly shaped (claim 23). In Williams et al, note the buckle (65), latch (65a), buckle actuator (unlabeled button on 65), harness (64), harness adjuster (66), buckle contoured grip surface (rear and lateral sides forming a "U", wherein the rear and lateral sides are lower than the front surface), medial portion (rear), angled portions (sides), buckle recessed area (the recessed area is the area receiving the button), and aperture (hole in the front surface of 65). Also note that movement of the buckle actuator from the first position to the second position is inward or rearward, and has a quadrilateral shape.

The secondary reference teaches providing a harness adjuster with a harness adjuster housing (76) and harness adjuster actuator (78) movable between a first position and a second position to unlock the harness adjuster; the housing including a grip surface of sufficient thickness to enable a user to brace a finger against the housing grip surface when actuating the harness adjuster actuator, wherein the grip surface is a lower surface of the housing (note lower surface of 76, as shown in Figure 5); wherein the harness adjuster actuator has as quadrilateral shape.

It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by substituting in the harness adjuster housing and harness adjuster actuator movable between a first position and a second position to unlock the harness adjuster; the housing including a grip surface of sufficient thickness to enable a user to brace a finger against the housing grip surface when actuating the harness

adjuster actuator (claim 19); wherein the grip surface is a lower surface of the housing (claim 22). Such provides enhanced harness adjustment capability while maintaining ease of use. Regarding claim 23, note that the buckle actuator and the harness adjuster actuator are similarly shaped in quadrilateral form.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al (5496092) in view of Wiseman et al (5380066), as applied to claim 19, above and further in view of Baloga (6457774). The primary reference, as modified above, shows all claimed features of the instant invention with the exception of the chest clip including a male member and a female member releasably coupled to the male member, the male member having a pair of opposing grip surfaces of sufficient thickness to enable a user to grip the male member when decoupling the male member and the female member. In Williams et al, note the chest clip (the connector in Figure 1). Baloga teaches providing harness assembly with a chest clip including a male member (70) and a female member (72) releasably coupled to the male member, the male member having a pair of opposing grip surfaces (top and bottom edges) of sufficient thickness to enable a user to grip the male member when decoupling the male member and the female member. It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to further modify the primary reference in view of the teachings of the Baloga by substituting the chest clip of Baloga in place of the chest clip of Williams et al. This provides a chest clip with enhanced ease of use, while maintaining its capacity to safely secure the harness user.

Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wiseman et al (5380066) in view of Gibson et al (6050640). The primary reference shows all claimed features of the instant invention with the exception of the harness adjuster actuator including a directional icon. Note the discussion of the primary reference, above. The secondary reference teaches providing a harness adjuster actuator with a direction icon (note at 50, as shown in Figure 1). It would have been obvious to one having ordinary skill in the pertinent art at the time of the instant invention to modify the primary reference in view of the teachings of the secondary reference by adding a direction icon to the harness adjuster actuator. This provides indicia to aid one in knowing which direction to operate the actuator. Such also enhances aesthetic appeal.

Allowable Subject Matter

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

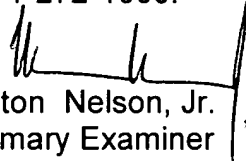
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571)

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272-6861. The examiner can normally be reached on Monday-Wednesday, and alternate Fridays, 5:30-3:00 EST.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Milton Nelson, Jr.
Primary Examiner
Art Unit 3636

mn
September 4, 2006